



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 7, 2007 Signature: James J. Napoli
(James J. Napoli)

609-1
Docket No.: 29475/39204
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Timothy J. Taylor et al.

Application No.: 10/720,862

Confirmation No.: 5172

Filed: November 24, 2003

Art Unit: 1751

For: Antimicrobial Compositions Containing an
Aromatic Acid and a Hydric Solvent

Examiner: Necholus Ogden, Jr.

DECLARATION OF EARL P. SEITZ UNDER 37 C.F.R. §1.132

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOW COMES EARL P. SEITZ, Declarant herein, and states as follows:

1. I, along with T. Taylor, J. Fuls, and P. Fox, am a coinventor of the invention disclosed and claimed in the above-identified patent application.
2. I also am a coinventor of the invention disclosed and claimed in U.S. Patent No. 6,861,397 ('397). Other coinventors of the '397 patent are A. Waggoner, T. Taylor, and P. Fox.
3. The above-identified patent application, and the '397 patent, are assigned to The Dial Corporation, Scottsdale, AZ.
4. As a coinventor of the above-identified application, and of the '397 patent, I am familiar with the contents of the above-identified application and the '397 patent.

5. I also am familiar with the Office Action of February 20, 2007 in which claims pending in the above-identified application were rejected under 35 U.S.C. §102(e) over the '397 patent.

6. I further am familiar with the contribution made by all of the coinventors of the above-identified application and the '397 patent.

7. To the extent that the presently-claimed invention was disclosed or suggested in the '397 reference, such disclosure was an invention of the inventors of the present application and the present claims were derived from such disclosure.

8. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Earl P. Seitz

Dated: June 5, 2007